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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

NATURAL RESOURCES DEFENSE COUNCIL,  
INC.,

Plaintiff,

v.

U.S. ENVIRONMENTAL PROTECTION AGENCY  
and ANDREW WHEELER, in his official capacity  
as Administrator of the Environmental Protection  
Agency,

Defendants.

19 Civ. 5174 (DLC)

**NOTICE OF MOTION**

PLEASE TAKE NOTICE that, upon the accompanying Defendants' Memorandum of Law in Support of Motion to Dismiss or in the Alternative for Summary Judgment, and the Administrative Record filed in this case on August 9, 2019 [ECF No. 17], defendants U.S. Environmental Protection Agency and Andrew Wheeler, in his official capacity as Administrator of the Environmental Protection Agency ("Defendants"), by their attorney, Geoffrey S. Berman, United States Attorney for the Southern District of New York, hereby move this Court for an order dismissing with prejudice the Complaint pursuant to Rules 12(b)(1) and 12(b)(6) of the

Federal Rules of Civil Procedure, or in the alternative, for an order granting summary judgment in favor of the Defendants pursuant to Rule 56 of the Federal Rules of Civil Procedure.

PLEASE TAKE FURTHER NOTICE that pursuant to the Court's endorsed order dated August 8, 2019 [ECF No. 16], opposition papers, if any, shall be served on or before September 27, 2019, and reply papers, if any, shall be served on or before October 18, 2019.

Dated: New York, New York  
August 23, 2019

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*Attorney for Defendants*

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